



**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.T.C. 21-3

May 26, 2021

Petition of the State 911 Department for Approval of Fiscal Year 2021 Expenditures, Fiscal Year 2022 Development Grant Amount and Fiscal Year 2022 Regional PSAP Three to Nine Communities Category Percentage.

FINAL ORDER

APPEARANCES:

Frank Pozniak, Executive Director
Dennis Kirwan, General Counsel
State 911 Department
151 Campanelli Drive, Suite A
Middleborough, MA 02346
FOR: STATE 911 DEPARTMENT
Petitioner

Maura Healey, Attorney General
By Jonathan Dinerstein
Assistant Attorney General
Office of the Attorney General
Office of Ratepayer Advocacy
One Ashburton Place, 18th Floor
Boston, MA 02108
For: OFFICE OF THE ATTORNEY GENERAL
Intervenor

TABLE OF CONTENTS

I.	<u>INTRODUCTION AND PROCEDURAL HISTORY</u>	1
II.	<u>ANALYSIS AND FINDINGS</u>	2
	A. <u>Analysis of Projected Expenditures for FY2021</u>	4
	1. <u>Administration</u>	5
	2. <u>Grant Programs</u>	7
	3. <u>9-1-1 Administration and Operation</u>	9
	a. <i>NG911</i>	10
	b. <i>Statewide Radio Infrastructure</i>	11
	c. <i>Map Data</i>	12
	d. <i>Wireless Center</i>	13
	e. <i>911 Call Center</i>	14
	4. <u>Accessibility and Other Programs</u>	14
	5. <u>Conclusion</u>	15
	B. <u>Review of FY2022 Development Grant Amount</u>	15
	C. <u>Review of FY2022 Regional PSAP Three to Nine Communities Percentage</u>	17
III.	<u>ORDER</u>	17

I. INTRODUCTION AND PROCEDURAL HISTORY

On February 25, 2021, the State 911 Department (“911 Department”) petitioned the Department of Telecommunications and Cable (“DTC”) for approval of increases to certain budgetary items, as outlined by statutory requirements. Specifically, the 911 Department requests approval for increases: (1) projected Fiscal Year (“FY”) 2021 expenditures, (2) FY2022 Public Safety Answering Point (“PSAP”) Regional Development Grant (“Development Grant”) amount, and (3) FY2022 Regional PSAP Three to Nine Communities Category Percentage. *See* Petition of the State 911 Dep’t for Approval of FY2021 Expenditures, FY2022 Dev. Grant Amount and Fiscal Year Three to Nine Communities Category Percentage. (“Petition”). The DTC has 90 days to review and issue a final decision on the Petition before these requests are deemed approved. *See* G.L. c. 6A, §§ 18B(i)(4)(5), 18H(c).

The DTC issued its first set of Information Requests (“IRs”) to the 911 Department on March 23, 2021. First Set of Info. Requests of the DTC to the State 911 Dep’t (Mar. 23, 2021). The 911 Department filed its responses along with its Proof of Publication on April 2, 2021. Responses to First Set of Info. Requests of the DTC to the State 911 Dep’t (Apr. 2, 2021) (“DTC IR 1-1 through DTC IR 1-19”); 911 Department’s Proof of Publication (Apr. 2, 2021). On April 7, 2021, the DTC conducted a public and evidentiary hearing, notice of which was published in the *Boston Globe* on March 18, 2021, via teleconference on these matters. *See generally* Transcript of Record (“Tr.”). On March 31, 2021, the DTC received a Notice of Intervention and Appearance from the Office of the Attorney General. At the evidentiary hearing, the DTC recognized the Attorney General’s intervention. *See* Tr. at 4. The Attorney General submitted comments on the Petition on April 7, 2021.

On April 28, 2021, the 911 Department responded to two Record Requests the DTC

issued at the evidentiary hearing. Responses to Record Requests of the DTC to the State 911 Dep't (Apr. 28 2021) ("DTC RR-1 through DTC RR-2"). The 911 Department also responded to two Supplemental Record Requests on May 14, 2021 ("DTC Supplemental RR-1 through DTC Supplemental RR-2"). In this Order, the DTC approves the 911 Department's projected FY2021 expenditures, the FY2022 Development Grant amount, and the FY2022 Three to Nine Communities Category Percentage.¹

II. ANALYSIS AND FINDINGS

State law requires the 911 Department to petition the DTC for approval of certain budgetary expenditures and percentage allocations for funds disbursed from the Enhanced 911 Fund ("Fund"). In particular, the 911 Department must petition the DTC if: (1) projected total expenditures exceed total expenditures of the previous fiscal year by 10% or more; (2) the Training Grant allocation is at or above 7.5% of the total 911 service surcharge ("surcharge") revenues of the previous fiscal year; (3) the Support Grant allocation equals or exceeds 31.25% of the total surcharge revenues of the previous fiscal year; (4) the Wireless State Police PSAP Grant allocation equals or exceeds 6% of the total surcharge revenues of the previous fiscal year; (5) an adjustment to the percentage of the prior fiscal year's total surcharge revenues allocated to one or more of the four Incentive Grant categories² results in total projected expenditures for the combined Incentive Grants that exceed the initial total Incentive Grants allocation of \$2,660,294

¹ The 911 Department also requested that the DTC consider the Petition as satisfying for FY2021 the requirement under G.L. c. 6A, § 18H(b) that the 911 Department report annually to the DTC on the financial condition of the Fund. Petition at 1 n.1. The DTC recently clarified this requirement. *Petition of the State 911 Dep't*, D.T.C. 20-1, *Final Order* at 16 (May 26, 2020) ("20-1 Order"). The DTC grants the 911 Department's request.

² The statute specifies allocations for each Incentive Grant category as follows: (1) for regional PSAPs serving 2 municipalities, 0.5% of the total surcharge revenues of the previous fiscal year; (2) for regional PSAPs serving 3 to 9 municipalities, 1.0% of the total surcharge revenues of the previous fiscal year; (3) for regional PSAPs serving 10 or more municipalities, 1.5% of the total surcharge revenues of the previous fiscal year; and (4) for regional emergency communication centers ("RECCs"), 2.0% of the total surcharge revenues of the previous fiscal year. G.L. c. 6A, § 18B(i)(4).

by 10% or more; or (6) the projected expenditures for the Development Grant exceed the initial total Development Grant allocation of \$7.5 million by 10% or more. G.L. c. 6A, §§ 18B(i)(1)-(5), 18H(c); *see also* *Petition of the State 911 Dep't*, D.T.C. 19-2, *Final Order* (May 16, 2019) (“19-2 Order”) at 3.

State law also requires that expenditures from the Fund by the 911 Department be prudently incurred and:

[A]ssociated with: the lease, purchase, upgrade or modification of primary and regional PSAP customer premises equipment and the maintenance of such equipment; network development, operation and maintenance; database development, operation, and maintenance; training of 911 telecommunicators regarding the receipt and use of enhanced 911 service information; education of consumers regarding the operation, limitation, role and responsible use of enhanced 911 service; grants associated with enhanced 911 service as set forth in subsection (i) and any other grant approved by the [911 Department] associated with providing enhanced 911 service in the commonwealth; the recurring and nonrecurring costs of communication services providers in providing enhanced 911 service in the commonwealth to the extent required by federal or Massachusetts law or regulation or federal or Massachusetts agency decision or order; and other expenses incurred by the [911 Department] in administering and operating the enhanced 911 system in the commonwealth.

G.L. c. 6A, § 18B(f).

Thus, when reviewing 911 Department petitions, the DTC must determine whether the 911 Department’s allocations and expenditures are, or will be, prudently incurred. *See Petition of the State 911 Dep't*, D.T.C. 17-1, *Final Order* (Apr. 10, 2017) (“17-1 Order”) at 3-6; *Petition of the State 911 Dep't*, D.T.C. 10-1, *Order* (Apr. 5, 2010) (“10-1 Order”) at 5-6; G.L. c. 6A, § 18B(f). When examining whether an expense is, or will be, prudently incurred, the DTC assesses whether circumstances, at the time the decision was made, adequately justified the reasonableness of the expense. *See Petition of the Statewide Emergency Telecomms. Bd.*, D.T.C. 07-7, *Order* at 7, 9, 19 (Feb. 8, 2008) (“07-7 Order”). The DTC will not substitute its own judgment for that of the 911 Department as to what is reasonably required to perform the 911

Department's statutory obligations, and the 911 Department has the authority to determine which categories of equipment, training, and support expenditures it will submit to the DTC for approval. *See Investigation by the Dep't of Telecomms. & Energy to establish a surcharge*, D.T.E. 03-63-Phase I, *Order* at 16 (July 14, 2003) (finding that although the Statewide Emergency Telecommunications Board ("SETB")³ must "support the reasonableness of its proposed expenditures, the [Department of Telecommunications and Energy ("DTE")⁴] lacks the jurisdiction to tell the SETB what categories of expenditure it is required to propose"). However, even though the 911 Department may make a determination that a certain expense is needed, all expenses must still be prudently incurred. *See 07-7 Order* at 8. Expenses are deemed prudent if they are necessary for the funding of the 911 Department's provision of enhanced 911 services and programs in the Commonwealth and, at the same time, maintain a reasonable, stable surcharge level in order to protect the interests of communications service ratepayers. *See Petition of the State 911 Dep't*, D.T.C. 11-2, *Order* at 4-5 (May 27, 2011) ("*11-2 Order*"); *07-7 Order* at 9; *Petition of the Statewide Emergency Telecomms. Bd.*, D.T.C. 07-7, *Interim Order* at 7 (Nov. 30, 2007); *Investigation by the Dep't of Telecomms. & Energy to establish a permanent surcharge*, D.T.E. 06-4, *Order* at 27-28, 35 (Dec. 1, 2006).

A. Analysis of Projected Expenditures for FY2021

The 911 Department requests DTC approval of projected expenditures of \$204,843,046 for FY2021. *See* Updated Exh. A.⁵ Since the 911 Department incurred \$110,152,462 in actual expenditures for FY2020, the 911 Department's projected FY2021 expenditures represent an

³ The SETB was the predecessor agency to the 911 Department and was dissolved on February 1, 2009. *See* 2008 Mass. Acts, c. 223.

⁴ The DTE, the DTC's predecessor agency, was dissolved on April 11, 2007. *See* 2007 Mass. Acts, c. 19.

⁵ Updated Exhibit A was provided in response to DTC IR 1-5.

increase of greater than 10% from the previous fiscal year's spending. *See id.* As discussed above, the 911 Department is required to seek approval for projected total expenditures that exceed the total actual expenditures of the previous fiscal year by 10% or more, and the DTC reviews the reasonableness of such requests by inquiring into whether these expenses are, or will be, prudently incurred. *See* G.L. c. 6A, § 18H(c). The 911 Department's projected expenses for FY2021 are broken out into four major cost categories: (a) Administration; (b) Grant Programs; (c) 9-1-1 Administration and Operation; and (d) Programs. *See* Petition at 4-15, Updated Exh. A. The DTC analyzes the prudence of the projected expenditures in each cost category below and determines that the 911 Department's projected FY2021 expenditures are necessary in order to provide enhanced 911 services and programs and are, or will be, prudently incurred. The DTC, however, acknowledges the comments of the Attorney General and reiterates the anticipated review of the surcharge no later than calendar year 2023 to affirm the health of the Fund and the sufficiency of the surcharge. *See 19-2 Order* at 22; *20-1 Order* at 22; G.L. c. 6A, § 18H(b); Comments of the Attorney General (Apr. 7, 2021) (asking the Department to determine the reasonableness of the current surcharge).

1. Administration

The 911 Department's projected FY2021 Administration expenses include Salary Costs, Agency Expenses, and Capital Projects, totaling \$7,691,308. *See* Petition at 4, Updated Exh. A. The largest line item in the Administration category is Salary Costs, which the 911 Department projects to be \$5,852,428 for FY2021. *See* Updated Exh. A. This represents an approximately 7.5% increase over the FY2020 actual salary costs of \$5,410,377. *Id.* The 911 Department explains that this increase is needed to cover contractual step increases and cost-of-living adjustments required by union contracts. Petition at 4.

The second item within the Administration category, Agency Expenses, is comprised of: (1) Employee Reimbursements; (2) Workers Comp; (3) Administrative Expenses; (4) Operational Supplies; (5) Utilities/Space Rental; (6) Consultant Services; (7) Operational Services; (8) Equipment Purchases; (9) Lease, Maintenance, Repair Services; (10) Building Maintenance, Repairs; and (11) IT Services, Equipment.⁶ *See id.*, Updated Exhs. A & B.⁷ The projected total Agency Expenses for FY2021 are \$1,338,880, a roughly 13% increase from the 911 Department's FY2020 Agency Expenses of \$1,166,405, which were below the 911 Department's FY2020 projections. *See* Updated Exh. A.

Capital Projects, the final item within the Administration expenses category, is projected at \$500,000 for FY2021, an increase from \$0 for that same category in FY2020. *See id.* The 911 Department plans to spend \$500,000 in FY2021 and \$1,300,000 in FY2022 on a new wireless center. "The \$1.8 million is an estimate of a one-time cost that would cover construction and furnishings at the new location." DTC IR 1-2. The current Wireless Center in Framingham, which is located at the Massachusetts State Police Headquarters, is being relocated to make that space available to State Police and to move the center into a state-of-the-art facility that would have the capability to take 911 calls and provide dispatch services for communities that may want to join to further the Commonwealth's regionalization goals. *Id.* That capability does not exist in the Wireless Center's current location. *Id.* The DTC finds that the 911 Department's Administration expenses are necessary in order to provide enhanced 911 services and programs and are, or will be, prudently incurred.

⁶ These categories and permissible associated expenses derive from the Office of the Comptroller of the Commonwealth, which oversees and implements the Commonwealth's accounting system. *See 17-1 Order* at 10.

⁷ The Updated Exhibit B was provided in response to DTC Supplemental RR-2.

2. Grant Programs

Massachusetts law requires the 911 Department to administer several grant programs related to the provision of enhanced 911 services. *See* G.L. c. 6A, § 18B(f), (i). The 911 Department's projected program expenditures for these categories in FY2021 total \$104,252,976.⁸ *See* Updated Exh. A. Massachusetts statute establishes minimum and/or maximum spending levels for several of the 911 Department's grant programs, spending beyond which requires the 911 Department to seek DTC approval. *See* G.L. c. 6A, § 18B(i). Even if the 911 Department's projected expenditures for a particular grant do not exceed the spending minimums or maximums that trigger required DTC approval, the DTC must determine whether projected spending for these grants in FY2021 will be prudently incurred as a part of its review of the 911 Department's total proposed expenditures. The DTC reviews the 911 Department's request for approval of the FY2022 Development grant amount separately below. *See infra* Section II.B.

The 911 Department proposes no change to the FY2021 percentage of revenue allocation for the PSAP and RECC Training Grant ("Training Grant")⁹ and the Support Grant,¹⁰ as compared

⁸ In 2018, the DTC approved increases in then-proposed FY2019 grant expenditure amounts for the Development Grant and Incentive Grant PSAPs Three to Nine Communities Category. *18-2 Order*. In 2019, the DTC approved an increase in the RECC grant percentage of previous year's surcharge revenue to 10%. *19-2 Order* at 19-20.

⁹ The Training Grant is used to "reimburse primary, regional and regional secondary PSAPs and regional emergency communication centers for allowable expenses related to the training and certification of enhanced 911 telecommunicators." G.L. c. 6A, § 18B(i)(1). The General Laws call for the 911 Department to allocate 5% of the prior year's surcharge revenues to the Training Grant, or other amount determined by the 911 Department and approved by the 911 Commission but not less than 3.75% of the prior year's surcharge revenues. *Id.*

¹⁰ PSAP and RECC Support Grant funds are "disbursed according to a formula that weighs both population served and 911 call volume." G.L. c. 6A, § 18B(i)(2). This grant reimburses: "primary, regional and regional secondary PSAPs and [RECCs] for allowable expenses related to enhanced 911 telecommunicator personnel costs, and the acquisition and maintenance of heat, ventilation and air-conditioning equipment and other environmental control equipment, computer-aided dispatch systems, console furniture, dispatcher chairs, radio consoles, and fire alarm receipt and alert equipment associated with providing enhanced 911 service; regional PSAPs and [RECCs] for allowable expenses related to the acquisition and maintenance of public safety radio systems; regional secondary PSAPs for allowable expenses related to PSAP customer premises equipment maintenance; and primary, regional, and regional secondary PSAPs and [RECCs] for any other equipment and related maintenance associated with providing enhanced 911 service as approved

to the percentage allocations projected for the previous year. *Compare* Updated Exh. B, with D.T.C. 20-1, DTC IR 1-6. The amounts projected for both grants remain within their respective approved allocations. *See* G.L. c. 6A, § 18B(i)(1), (2). The DTC approved the establishment of the Emergency Medical Dispatch Grant (“EMD Grant”) with an initial allocation of 3% of the total surcharge revenues of the prior fiscal year. *11-2 Order* at 8-12. Projected FY2021 expenditures total 1.5% of FY2020 surcharge revenues, below the initial allocation for this grant. *See id.*; Updated Exh. B. The DTC determines that projected FY2021 expenditures for the Training, Support, and EMD Grants are necessary for the 911 Department to meet its statutory obligations and finds that these projected expenditures are, or will be, prudently incurred.¹¹

The 911 Department projects spending the same percentage of the previous year’s surcharge revenue on the Wireless State Police Grant as it did in FY2020. *Compare* Updated Exh. B, with D.T.C. 20-1, DTC IR 1-6. This grant remains within the approved range. G.L. c. 6A, § 18B(i)(3). Additionally, for each incentive grant, the proposed FY2021 expenditures are within the approved allocations and do not require separate DTC approval under G.L. c. 6A, § 18B(i)(3) and (4). The DTC finds that these projected expenditures on each of these grants are, or will be, prudently incurred.

The 911 Department projects \$18 million in FY2021 spending for the Development Grant, although only \$8,336,114 was spent in FY2020 out of a projected \$15 million.¹² *See* Updated Exh. A. The 911 Department also projects FY2021 expenditures of \$13,215,725 in the Development

by the [911 Department].” *Id.* The General Laws call for the 911 Department to allocate 25% of the prior year’s surcharge revenues to the Support Grant, or other amount determined by the 911 Department and adopted by the 911 Commission but not less than 18.75% of the prior year’s surcharge revenues. *Id.*

¹¹ The “Wireless Direct Grant” amount is now included in the Support Grant.

¹² The DTC addresses the 911 Department’s proposed FY2022 Development Grant allocation amount *infra* Section II.B.

Grant Rollover line item which covers grants awarded in prior fiscal years but not yet disbursed. *See id.* The Development Grant is designed to support PSAP regionalization. *See* G.L. c. 6A, § 18B(i)(5). Regionalization helps achieve the goal of maintaining an efficient and consistent enhanced 911 service. *See id.*; Petition at 7; *18-2 Order* at 10-11. Many of the projects funded by this grant are complex and take place over multiple fiscal years. Accordingly, the projection includes spending that the 911 Department committed to prior to the current fiscal year. *See* Petition at 7. In the previous proceeding, the DTC approved the 911 Department's projected \$18 million FY2021 Development Grant allocation. *See 20-1 Order* at 19-20. The DTC anticipates that savings will be realized in other line items because of PSAP regionalization in the coming years. *See 18-2 Order* at 31-32; *19-2 Order* at 11; *20-1 Order* at 19. The DTC finds that, given the goal of increased regionalization and the attendant efficiencies and related expected savings, the 911 Department's FY2021 proposed expenditures on the Development Grant are, or will be, prudently incurred.

The DTC determines, for the reasons discussed above, that the 911 Department's projected grant expenses for FY2021 are necessary in order to provide enhanced 911 services and programs and are, or will be, prudently incurred.

3. 9-1-1 Administration & Operation

The third category of projected FY2021 expenses is "9-1-1 Administration & Operation," which the 911 Department projects to be \$90,876,762. *See* Updated Exh. A. The vast majority of spending in this category is allocated to Next Generation 911 ("NG911") and a portion of the cost of an overhaul of the Commonwealth of Massachusetts Interoperable Radio System ("CoMIRS"), which began in FY2018 and will continue until FY2024. *See* Petition at 8-9; Updated Exh. A. As discussed below, the DTC approved expenditures for this upgrade in 2018.

See generally 18-2 Order. This expense category also includes projected expenses for Map Data, the Wireless Center, and the 911 Call Center. *See Updated Exh. A.* As discussed below, the DTC determines the 911 Department’s projected 911 Administration and Operation expenses for FY2021 are, or will be, prudently incurred, subject to the conditions the DTC has placed on such expenditures.

a. *NG911*

The 911 Department began its transition to NG911 in 2009 in response to its mandate to “review and assess new communications technologies that may include, but are not limited to, wireless, video, broadband, and IP-based applications that may serve as the next generation 911 technology platforms, consistent with FCC decisions and federal law.” G.L. c. 6A, § 18B(h). In August 2014, after issuing a Request for Response and undergoing a detailed evaluation process, the 911 Department entered into a five-year contract with General Dynamics Information Technology (“GDIT”) for NG911 products and services. *See 18-2 Order* at 11-12. GDIT assigned this contract to Comtech NextGen LLC on April 29, 2019. *See Petition* at 8. Deployment of the NG911 system was completed in FY2018, and all PSAPs are now operating on this system. *Id.* Projected spending on both recurring and non-recurring NG911 costs is based upon the 2019 contract. *See id.* Projected non-recurring NG911 costs in FY2020 included the establishment of a third data center,¹³ replacement of digital logging recorders, and construction of diverse entrances for larger PSAPs.¹⁴ DTC IR 1-9. The 911 Department, however, deferred expenses associated with the third data center and reporting systems to FY2021. *Id.* The DTC

¹³ The third data center, to be located in Virginia, will act as a geographically diverse emergency backup in case of long-term power outage or other emergency that may impact one or both of the data centers in the Commonwealth. *19-2 Order* at 13 n.10.

¹⁴ The term “diverse entrance” refers to an alternative wired pathway for information to enter the PSAP, in case of an accident or emergency that may impair the primary pathway(s). *19-2 Order* at 13 n.11.

finds that the projected FY2021 recurring expenses related to NG911 are contractual, and that both the recurring and non-recurring expenses are necessary to achieve the 911 Department's statutorily mandated goals. These FY2021 expenditures therefore are, or will be, prudently incurred.

b. *Statewide Radio Infrastructure*

The 911 Department projects that it will spend \$40,829,910 in FY2021 on the ongoing overhaul of the Statewide Radio Infrastructure system, representing a significant increase from the \$4,602,911 the 911 Department spent in FY2020. *See* Updated Exh. A. CoMIRS is an existing statewide interoperable radio network that serves as the primary communications tool for many public safety first responders including the Massachusetts State Police. *See* Petition at 9-10. As such, PSAPs utilize the CoMIRS network to quickly and efficiently dispatch and relay emergency 911 information to first responders. *See id.*

In order to help ensure that 911 surcharge funds are not used on CoMIRS expenses unrelated to 911, the DTC directed the 911 Department to develop detailed formal guidance for the project administrator, the Executive Office of Technology Services and Security ("EOTSS"), on how to determine whether an expenditure is related to 911 dispatch. *See 20-1 Order* at 15. The DTC also directed the 911 Department to include in its annual reports going forward, detailed information on compliance with these guidelines, including a detailed account of CoMIRS project updates, a detailed list of current fiscal year CoMIRS expenditures separate from its general operational expenditures, and a detailed list of funding sources for the CoMIRS project including the total CoMIRS cost and the funding contribution from each source. *See id.* at 16. Finally, the DTC directed the 911 Department to file copies of the quarterly reports due to it from EOTSS under the entities' interdepartmental service agreement ("ISA"). *Id.*

The 911 Department has complied with the above directives, which has illuminated how the 911 Department and EOTSS continue to ensure that 911 surcharge funds are spent only on 911 functions. *See* DTC IR 1-6; D.T.C. 20-1, 911 Dep’t Response to the DTC Order (Sept. 9, 2020) (providing the requested EOTSS Guidance Document); D.T.C. 20-1, FY2020 Annual CoMIRS Report (Nov. 10, 2020); D.T.C. 20-1, CoMIRS Report - First Quarter FY2021 (Nov. 10, 2020); D.T.C. 20-1, CoMIRS Report - Second Quarter FY2021 (Feb. 4 2021); D.T.C. 20-1, CoMIRS Report - Third Quarter FY2021 (May 3, 2021). Indeed, the DTC finds that the 911 Department has the appropriate mechanisms in place to monitor EOTSS’s use of 911 surcharge funds. For example, the 911 Department provided examples of entities that are responsible for purchasing their own radios that connect to CoMIRS. Tr. at 30-31. EOTSS also checks radio serial numbers to make sure that multiple agencies are not requesting “replacement for the same radio.” *Id.* at 38. Consistent with its statutory duties, the DTC will continue to monitor issues related to CoMIRS expenditures. *See, e.g., id.* at 31 (discussing the issue of non-911 entities contributing to the construction and infrastructure costs of the network), 33-34 (discussing sources of recurring non-911 funding for CoMIRS).

Subject to and consistent with the findings and conditions the DTC has placed on the use of 911 surcharge funds for CoMIRS, the DTC finds that the 911 Department’s proposed FY2021 expenditures on the CoMIRS project are, or will be, prudently incurred.

c. Map Data

The 911 Department projects \$2,277,760 in FY2021 spending on Map Data, similar to the spending level in recent years. *See* Updated Exh. A. The 911 Department has an ISA with the Massachusetts Office of Geographic Information (“MassGIS”) under which MassGIS provides updated, synchronized mapping data and information to the 911 Department for use by PSAPs.

See Petition. at 8. The 911 Department explains that this expense “is part of the core component of the GIS data used in support of the Next Generation 911 system.” *Id.* Specifically, MassGIS has acquired aerial imagery used for verification of streets and structures, and will work with an outside vendor to identify the roofline of every structure in the Commonwealth and provide an outline of every building. *Id.* This information will be incorporated into updates to emergency service zones, which are used to route 911 calls to the correct PSAP. *Id.* The 911 Department states that the services used in support of Next Generation 911 “consist of updated, synchronized mapping data and information and maintenance for the database and aerial imagery, and updates to the emergency services zones.” *Id.* The DTC finds that these projected Map Data expenses are, or will be, prudently incurred.

d. *Wireless Center*

The 911 Department has taken over responsibility for receiving wireless 911 calls that in the past would have been routed to one of two State Police wireless PSAPs. *See* Petition at 12. The 911 Department has consolidated the operations of these two wireless PSAPs into one location in Framingham. *See id.* In FY2021, as of April 2, 2021, the 911 Department’s Framingham Wireless PSAP has processed 198,627 calls. *See* DTC IR 1-3(b). The 911 Department has also testified that as the local PSAPs continue to take more wireless calls directly, the dedicated wireless PSAPs will eventually handle a smaller percentage of overall 911 call volume, so spending on this line item would be steady or expected to decrease in the upcoming years. *See 19-2 Order* at 16. Projected spending on the Wireless Center remains roughly steady in FY2021 from actual FY2020 spending, with approximately a 10 percent increase from FY2020 to FY2021. *See* Updated Exh. A. The DTC finds that projected spending for the Wireless Center is, or will be, prudently incurred.

e. *911 Call Center*

The 911 Department assumed operational responsibility of the North Shore Regional 911 Center (NSRC), formerly known as the Essex County RECC, in July 2020. *See* Petition at 12. The NSRC receives and processes 9-1-1 calls from five municipalities and wireless 9-1-1 calls for that region. *Id.* The 911 Department projects an increase in spending from an actual amount spent of \$5,100,760 in FY2020 to a projected \$6,186,359 in FY2021. Updated Exh. A; *see also* D.T.C. 20-1, DTC IR 1-16; D.T.C. 20-1, DTC RR-6. The DTC finds that these projected expenditures for FY2021 are, or will be, prudently incurred. *See Investigation by the Dep't of Telecomms. & Energy to establish a surcharge*, D.T.E. 03-63-Phase I, *Order* at 16 (July 14, 2003) (finding that the 911 Department has the autonomy to determine which categories of expenditures are reasonably required to perform its statutory obligations).

In sum, the DTC finds that the 911 Department's FY2021 911 Administration and Operation projected expenses are necessary to achieve the 911 Department's statutory goals of maintaining public safety, the provisioning of enhanced 911 services and programs, and establishing NG911. Therefore, the DTC finds that these projected expenditures for FY2021 are, or will be, prudently incurred.

4. Accessibility and Other Programs

The final category of projected expenses in FY2021 is for accessibility and other programs, for which the 911 Department projects \$2,022,000 in expenditures. *See* Updated Exh. A. This category comprises line items for training, public education, specialized customer premise equipment (SCPE), telecommunications relay service (TRS), and captioned telephone service (CapTEL). *Id.* The projection for this category is an increase from FY2020 actual expenditures, which totaled \$1,671,152, but the projection is less than projected FY2020

expenditures of \$2,775,000. *Id.* The projection for each line item within this category is equal to or below the line item's projected FY2020 expenditures. *Id.* The DTC finds that the 911 Department's projected FY2021 expenses associated with these programs are necessary in order to provide enhanced 911 services and adequately fund the programs, and are, or will be, prudently incurred.

5. Conclusion

The DTC determines that the 911 Department's projected FY2021 expenditures are reasonable and are, or will be, prudently incurred, consistent with the directives outlined herein. Accordingly, the DTC approves the expenditures pursuant to G.L. c. 6A, § 18H(b) and (c).

B. Review of FY2022 Development Grant Amount

The 911 Department seeks approval of its proposal to increase the Development Grant allocation to \$22 million for FY2022. *See* Petition at 15-16. The 911 Department projected expenditures of \$15 million for FY2019 and FY2020, and \$18 million for FY2021, with projected Rollover Development Grant expenses for FY2021 of \$13,215,725. *See* Updated Exh. A; 19-2 Order at 17. State law requires the 911 Department to obtain DTC approval of any adjustment in the Development Grant that increases the initial funding allocated to the Development Grant, \$7.5 million, by 10% or more. G.L. c. 6A, § 18B(i)(5).

The Development Grant was established by statute to “support the development and startup of regional and regional secondary PSAPs and [RECCs], including the expansion or upgrade of existing regional and regional secondary PSAPs.” *Id.* The purpose of the Development Grant is to “maximize effective emergency 911 and dispatch services as well as regional interoperability.” *Id.* In accordance with statutory requirements, the 911 Department has established guidelines regarding “[t]he eligibility for criteria, amount and allocation of funding” with the approval of the State 911

Commission. *Id.*; *see also* 17-1 Order at 14. On December 10, 2020, the State 911 Commission voted unanimously to authorize the 911 Department to seek DTC approval of a \$22 million allocation amount for FY2022. *See* Petition at 16.

The 911 Department continuously receives funding requests that far exceed the total amount allocated to the grant. *See* Petition at 16; 19-2 Order at 18; 17-1 Order at 27-28. In FY2021, the 911 Department has received Development Grant requests totaling \$32,802,445, almost twice the amount allocated in FY2020 to the grant and more than four times the amount initially allocated. *See* Petition at 16. The 911 Department states that, as of the date of the Petition, 44 PSAPs have become regionalized through either a regional PSAP or a RECC since the Development Grant program began, and that it expects at least 13 additional PSAPs to regionalize over the next five years. *See* Petition at 7.¹⁵ Further, statutory changes since the creation of the Development Grant have facilitated municipalities' efforts to establish regional PSAPs and RECCs through the creation of regional 911 emergency communication districts. *See* 2014 Mass. Acts, c. 500 (codified at G.L. c. 6A, §§ 18O-18V (2015)).

The 911 Department states that regionalized PSAPs and RECCs enable more efficient and effective use of resources and improve public safety for the residents they service. *See* Petition at 16. For instance, combined emergency communication resources “allows for increased staffing” and “for increased coordination of a region’s limited emergency response resources.” *Id.* This permits 911 telecommunicators “to more effectively interact with the public while gathering essential call information,” and it permits “more efficient response to both routine requests for mutual aid and major disasters.” *Id.* The DTC finds that the 911 Department’s requested Development Grant allocation amount is necessary to meet its statutory obligation to maximize

¹⁵ Those 13 PSAPs are Paxton, Dracut, Norton, Easton, Hanson, Monson, East Longmeadow, Hampden, Ashby, Mendon, Chelsea, Hanover, and Ware. *See* D.T.C. 20-1, DTC IR 1-13.

effective 911 services and regional interoperability, and that expenditures related to this funding level will be prudently incurred. Accordingly, the DTC approves the Development Grant allocation of \$22 million for FY2022.

C. Review of FY2022 Regional PSAP Three to Nine Communities Category Percentage

The 911 Department seeks approval of its proposal to increase the percentage allocation for the FY2022 Incentive grants for regional PSAPs serving three to nine municipalities from 1.5 percent to two percent. Petition at 17-18. The original amount allocated for this category was one percent until the DTC approved an increase to 1.5 percent. *See 18-2 Order* at 32. The 911 Department projects FY2022 expenditures for this Grant of \$3,222,804, up from a projected \$2,419,865 in FY2021. *See Updated Exh. B*. The statute established the Incentive Grant to “provide regional PSAPs and [RECCs] with funds in addition to amounts allocated as part of the [Support Grant]” for reimbursement of allowable expenses, as specified in the Support Grant. G.L. c. 6A §, 18B(i)(4). These grants were established to foster the development of regional PSAPs and RECCs. *See id.* § 18B(i). The 911 Department indicates that this request is largely to accommodate the additional communities that will likely be added to the Norfolk County Regional PSAP in FY2022. Tr. at 54-55. The increased allocation percentage will ensure that the grant amount covers this anticipated growth. *See id.* at 55. Given these changes, the DTC determines that expenditures related to an increase in the FY2022 Incentive Grant Three to Nine Communities category amount to 2% of the total surcharge revenues of the previous fiscal year will be prudently incurred. Accordingly, the DTC approves the requested allocation increase for FY2022.

III. ORDER

Accordingly, after notice, hearing, and due consideration, it is:

ORDERED: That the 911 Department’s proposed FY2021 expenditures are

APPROVED; and it is

FURTHER ORDERED: That the 911 Department's proposed adjustment to the Development Grant allocation amount for FY2022 is APPROVED; and it is

FURTHER ORDERED: That the 911 Department's proposed adjustment to the FY2022 Regional PSAP Three to Nine Communities Category Percentage is APPROVED; and it is

FURTHER ORDERED: That the Petition satisfies the requirement of G.L. c. 6A, § 18H(b) that the 911 Department file an annual report on the financial condition of the Enhanced 911 Fund for FY2021.

By Order of the DTC,



Karen Charles Peterson
Commissioner

RIGHT OF APPEAL

Pursuant to G.L. c. 25, § 5, and G.L. c. 166A, § 2, an appeal as to matters of law from any final decision, order or ruling of the Department may be taken to the Supreme Judicial Court for the County of Suffolk by an aggrieved party in interest by the filing of a written petition asking that the Order of the Department be modified or set aside in whole or in part. Such petition for appeal shall be filed with the Secretary of the Department within twenty (20) days after the date of service of the decision, order or ruling of the Department, or within such further time as the Department may allow upon request filed prior to the expiration of the twenty (20) days after the date of service of said decision, order or ruling. Within ten (10) days after such petition has been filed, the appealing party shall enter the appeal in the Supreme Judicial Court for the County of Suffolk by filing a copy thereof with the Clerk of said Court. Appeals of Department Orders on basic service tier cable rates, associated equipment, or whether a franchising authority has acted consistently with the federal Cable Act may also be brought pursuant to 47 C.F.R. § 76.944.